



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

September 17, 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dwain S. Colvin, President
Dover Chemical Corporation
3676 Davis Road NW
Dover, OH 44622-0040

Re: Subpoena pursuant to Section 11 of the Toxic Substances Control Act

Dear Mr. Colvin,

The United States Environmental Protection Agency ("EPA") is investigating whether companies that manufacture, process, and/or import chlorinated paraffins have complied with the reporting requirements under the Toxic Substances Control Act ("TSCA"). The EPA has preliminary information indicating that Dover Chemical Corporation is the owner and/or operator of a facility that manufactures, processes, and/or imports chlorinated paraffins.

Pursuant to Section 11(c) of TSCA, 15 U.S.C. § 2610(c), the Administrator of the EPA has the authority to require the production of reports, papers, documents, answers to questions, and other information deemed necessary by the Administrator in carrying out the provisions of TSCA. Pursuant to this statutory authority, Dover Chemical Corporation is hereby commanded to provide the information and documents set forth in the enclosed Subpoena on the basis of all information and documents in your possession, your custody or control, or the possession, custody or control of your employees, agents, representatives, servants, or attorneys.

If the response to the information requested is confidential business information ("CBI") or trade secrets, please be advised that you must provide it pursuant to 40 C.F.R. § 2.203. Pursuant to 40 C.F.R. § 2.203, if Dover Chemical Corporation wishes for the EPA to treat any information or response as "confidential," Dover Chemical Corporation must so advise EPA and must place on or attach to the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as *trade secret*, *proprietary*, or

company confidential. In addition, Dover Chemical Corporation must clearly identify allegedly confidential portions of otherwise non-confidential documents, and may submit them separately to facilitate identification and handling by EPA. If Dover Chemical Corporation desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state this. An explanation of your claim (such as disclosure of the information would likely result in substantial harmful effects on your business' competitive position) must be included referring to the applicable substantive criteria in 40 C.F.R. § 2.208. Specify the harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and substantial harmful effects. Dover Chemical Corporation must make a separate assertion of confidentiality for each response and each document considered confidential.

A written index identifying the following for each response or document for which you assert a claim of confidentiality must be provided:

- a. Describe the response or document and nature of the information. For a document, include the name of the author(s), the date the document was issued, the summary title, and the names of the recipient(s).
- b. Specify the portion of the response or document for which you assert a claim of confidentiality by reference to page numbers, paragraphs, and lines, or specify entire document.
- c. Briefly identify the basis of your claim.

If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that EPA may maintain their confidentiality pursuant to 40 C.F.R. Part 2, Subpart B.

Any confidentiality claim that is not asserted by Dover Chemical Corporation will be waived, and such information may be made available to the general public without further notice to you. Information related to "health and safety studies" as defined by TSCA Section 3(6), 15 U.S.C. § 2602, will be subject to the disclosure requirements of TSCA Section 14(b), 15 U.S.C. § 2613.

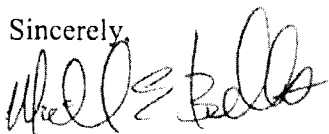
Please send your response to this information request in the portable document format ("pdf") via email to Garvey.mark@epa.gov, with a copy to Ellis.tony@epa.gov. Please do not email CBI or trade secret information. Send CBI or trade secret information in pdf form on a CD to the address below. Please note that your response in pdf must be provided in searchable format (*i.e.*, optical character recognition (OCR)) to allow EPA to search for particular words or characters. If you are unable to submit your response in a pdf-version, then mail your response to:

Tony Ellis
Case Development Officer
U.S. Environmental Protection Agency
Office of Civil Enforcement (Room 5041A, Mail code 2249A)
Waste and Chemical Enforcement Division
1200 Pennsylvania Ave., NW
Washington, DC 20460

Any confidentiality claim that is not asserted by Dover Chemical Corporation will be waived, and such information may be made available to the general public without further notice to you. Information related to "health and safety studies" as defined by TSCA Section 3(6), 15 U.S.C. § 2602, will be subject to the disclosure requirements of TSCA Section 14(b), 15 U.S.C. § 2613.

If you have any questions concerning this subpoena, please contact Mark Garvey by email at Garvey.mark@epa.gov or by phone at 202-564-4168. Thank you for your attention in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Bellot", written over the word "Sincerely,".

Mike Bellot, Chief
Chemical Risk and Reporting Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement

Enclosure.
cc: Mr. David Rankin
dave.rankin@dooverchem.com

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

IN THE MATTER OF: _____)

Chlorinated Paraffins Investigation _____)

SUBPOENA

TO: Dwain S. Colvin, President
Dover Chemical Corporation
3676 Davis Road NW
Dover, OH 44622-0040

YOU ARE HEREBY COMMANDED, pursuant to Title 15, United States Code Section 2610(c) (Toxic Substances Control Act Section 11(c)), **TO PRODUCE FOR INSPECTION AND/OR COPYING** those reports, papers, documents, answers to, and other information requested herein by **October 1, 2009** to the address below:

Tony Ellis
Case Development Officer
U.S. Environmental Protection Agency
Office of Civil Enforcement (Room 5041A, Mail code 2249A)
Waste and Chemical Enforcement Division
1200 Pennsylvania Ave., NW
Washington, DC 20460

(Deliveries through a courier, UPS or Fed Ex please use the Zip Code 20004)

FAILURE TO COMPLY WITH THIS SUBPOENA MAY RESULT IN A COURT ACTION AGAINST YOU.

Please note that the EPA will consider responses that are incomplete, ambiguous, or evasive as a failure to respond to this Subpoena. Also be further advised that false, fictitious, and/or fraudulent statements or representations may subject you to criminal penalties under Title 18, United States Code Section 1001 and/or Title 15, United States Code Section 2615 (TSCA Section 16).

Issued at Washington, DC on September 17, 2009



Mike Bellot, Chief
Chemical Risk and Reporting Enforcement Branch
Waste and Chemical Enforcement Division
Office of Civil Enforcement

SPECIFICATIONS

1. DEFINITIONS

As used in this subpoena:

1. The words "and" and "or" shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive.
2. The term "describe" means to report the contents of the document, including the title, the author, the position or title of the author, addressee, the position or title of the addressee, indicated or blind copies, date, subject matter, number of pages, attachment or appendices, and all persons to whom the document was distributed, shown, or explained.
3. The term "document" or "documents" includes but is not limited to all written, typewritten, handwritten or printed matters, including drafts, originals, and nonconforming copies that contain deletions, insertions, handwritten notes or comments, or graphic matter of any kind or nature, however produced or reproduced, any form of collected data for use with electronic, visual or sound recordings including without limitation all tapes and discs, now or formerly in your possession, custody or control, or now or formerly in the possession, custody or control of any agent acting on your behalf. The terms include, without limitation, all writings, letters, reports, correspondence, memoranda, notes of meetings or of conversations either in writing or upon any mechanical or electronic recording device, stenographic or handwritten notes, records, pictures, canceled checks, books, work papers, telegrams, telexes, diaries, calendars, studies, surveys, manuals, contracts, agreements, publications, minutes, press releases, computer printouts, punch cards, electrical or magnetic recordings, pamphlets, statistical compilations, microfilm and microfiche records, financial and accounting records or statements, telephone bills, travel vouchers, and expense account records.
4. A document or communication "reflecting upon," "relating to," or "referring to," a given subject includes without limitation any document or communication that constitutes, contains, embodies, comprises, reflects, identifies, states, refers to, deals with, comments, responds to, describes, analyzes, or is in any way pertinent to that subject, including, without limitation, a document concerning the presentation of other documents.
5. The term "identify" or "provide the identity of" means, with respect to a person to set forth: (a) the person's full name, (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer, (including the full name and address), with job title, position or business; and (d) the person's social security number.
6. The term "identify" or "provide the identity of" means, with respect to a corporation, partnership, business trust, government office or division, or other entity (including a sole proprietorship), to set forth: (a) its full name; (b) complete street address; (c) legal form

(e.g. corporation, partnership); (d) the state under whose laws the entity was organized; and (e) a brief description of its business.

7. The term "identify" or "provide the identity of" means, with respect to a document, to provide: (a) its customary business description (e.g., letter, invoice); (b) its date; (c) its number if any (e.g., invoice or purchase order number); (d) the identity of the author, the address, and the addressee and/or recipient; (e) and a summary of the substance or the subject matter.
8. The term "manufacture" shall mean to import into the customs territory of the United States, produce, or manufacture.
9. The term "you" or "your" refers to Dover Chemical Corporation unless otherwise specified.
10. The term "Dover Chemical Corporation" shall mean the addressee of this Subpoena, the addressee's officers, managers, employees, contractors, trustees, successors, assigns, and agents, and any predecessor or successor corporations or companies.

II. INSTRUCTIONS

1. Each question posed must be answered. If the appropriate response is "none" or "not applicable" that information should be so stated.
2. You must answer every question completely. You are required to provide a separate answer to each and every question and subpart of a question set forth in this Subpoena. Incomplete, evasive, or ambiguous answers shall constitute failure to respond to this Subpoena and may subject you to penalties as discussed in the cover letter.
3. You must provide responses to the best of your ability, even if the information sought was never reduced to writing or if the written documents are no longer available. You should seek responsive information from current and former employees and/or agents. Submission of cursory responses when other responsive information is available will be considered non-compliance with this Subpoena. If you cannot provide a precise answer to any questions, please approximate and state the reason for your inability to be specific.
4. You must submit documents with labels keyed to the question. For each document produced in response to this Subpoena, indicate on the document (or in some other reasonable manner) the number of the question to which it responds. If anything is deleted from a document produced in response to this Subpoena, state the reason for and the subject matter of the deletion.
5. If you claim that an entire document responsive to this Subpoena is a communication for which you assert that a privilege exists, identify the document and provide the basis for asserting the privilege. For any document for which you assert that a privilege exists for

a portion of it, provide the portion of the document for which you are not asserting a privilege; identify the portion of the document for which you are asserting the privilege; and provide the basis for such an assertion. Please note that regardless of the assertion of any privilege, any facts contained in the document which are responsive to this Subpoena must be disclosed in your response.

6. While you may indicate that you object to certain questions in this Subpoena, you must provide responsive information notwithstanding those objections. To object without providing responsive information may subject you to the penalties discussed in the cover letter.
7. You are required to complete the enclosed certification (Attachment 1) which attests that the information you are providing in response to this information request is true, accurate, and complete.
8. Requests for additional time must be made within five (5) calendar days of receipt of this letter, and must state a justification for the delay.
9. If additional information or documents responsive to this Subpoena become known or available to you after you respond to this Subpoena, EPA hereby requests pursuant to TSCA Section 11(c), 15 U.S.C. Section 2610, that you supplement your response to EPA. Failure to supplement your response within thirty (30) days of discovering such responsive information may subject you to an enforcement action. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response. If any part of the response to this Subpoena is found to be false, the signatory to the response and the company may be subject to civil or criminal prosecution or both.

III. INFORMATION AND DOCUMENTS REQUESTED

1. For the chemical substance, CAS Registry Number (CASRN) 61788-76-9 and 63449-39-8, reported for the 2006 Inventory Update Rule ("IUR"), and for the chemical substance, CAS Category Code N583 reported in the Toxic Release Inventory ("TRI") Program, please identify each facility owned or operated by Dover Chemical Corporation that is currently manufacturing, processing, and/or importing these chemicals. For each facility please provide:
 - a. The name of the facility and the name of its owner and/or operator; and
 - b. The address of the facility.
2. For each reported chlorinated paraffins substance please provide:

- a. The Chemical Abstracts (CA) Index Name and CASRN representing the specific chlorinated paraffins substance;
- b. Trade Names and alternative chemical names (chemical synonyms) of the chlorinated paraffins substance, or the mixture in which it is contained, that was manufactured or imported;
- c. Indicate the range of composition and the typical composition of the chlorinated paraffin substance, i.e., the range of the intended length of the carbon chain (by percentage by weight of each chlorinated paraffin component, e.g., C10: 30%, C11: 40%, C12: 30%) and the range of intended chlorine content. (If the composition changes depending on the specific product [Trade Name] identity, group the products appropriately.);
- d. A drawing depicting the chemical structure of the reported substance (i.e.: a structure diagram that illustrates the reported chemical identity);
 - i. Provide a complete and correct chemical structure if known or reasonably ascertainable. Otherwise, provide a correct representative or partial chemical structure diagram, as complete as can be known or reasonably ascertained; and
 - ii. Also submit all supporting documents that contain test results which sustain your findings about the chemical structure and chemical composition.
- e. Indicate whether your products are obtained as cuts or fractions from distillation (or another separation method) of a paraffin or chlorinated paraffin precursor;
- f. List the specific chemical names of the immediate precursor substances with their respective CAS Registry Numbers used for the production of chlorinated paraffins;
- g. If you intended to have a definite carbon number range (alkyl range) for your chlorinated paraffins substance, explain your rationale in having used CASRNs 61788-76-9 and 63449-39-8 to report them;
- h. The name(s) of the products in which you use the reported chemical;
- i. The quantity of the reported chemical used in the product(s) listed above; and
- j. Total amount of the reported chemical manufactured each year for calendar years 2002-2008.

3. Identify each of the facilities owned or operated by Dover Chemical Corporation that currently no longer use manufacture, process, and/or import this chemical but did during the calendar years 2002-2008. Please provide:
 - a. The name of the facility and the name of the owner and/or operator;
 - b. The address of the facility;
 - c. The name of the product that required the use of the reported chemical;
 - d. The date the facility discontinued its use of the reported chemical; and
 - e. Documents and any other supporting information describing the facility's discontinuation of the reported chemical.
4. Provide a copy of your 2006 Inventory Update Rule ("IUR") submission for these chemicals or an explanation why such report was not required.
5. Provide a copy of the 2005, 2006, 2007, and 2008 Form R under the Toxic Release Inventory § 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) for these chemicals or an explanation why such reports were not required.
6. Have you obtained information that could reasonably support the conclusion that a substance or mixture you manufacture, process, or import presents a substantial risk of injury to human health or the environment?

Attachment 1

**SUBPOENA
DOVER CHEMICAL CORPORATION**

The following form of certification must accompany all information submitted by Dover Chemical Corporation in response to the information request.

CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA subpoena) and all documents submitted herewith; that, to the best of my knowledge and belief, the submitted information is true, accurate and complete; and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment.

Executed on _____, 2009

Signature
